



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Order 96-7-43

Served: August 5, 1996

Issued by the Department of Transportation
on the 30th day of July, 1996

Applications of

**Alaska Airlines, Inc.
American Airlines, Inc.**

Arrow Air, Inc.

**Challenge Air Cargo, Inc.
Federal Express Corporation**

**Northwest Airlines, Inc.
Polar Air Cargo, Inc.**

**Sun Country Airlines, Inc.
United Air Lines, Inc.
World Airways, Inc.**

for exemptions or authorities under 49 U.S.C. section
40109 and the orders and regulations of the Department
of Transportation

Dockets OST-96-1480

**OST-95-367
OST-96-1353(48280)
OST-96-1354(50392)
OST-96-1355(46344)
OST-96-1356(48248)
OST-96-1013(45845)
OST-96-1448(44572)
OST-96-1379(44507)
OST-96-1008(48545)
OST-96-1196(40459)
OST-96-1439
OST-96-1022(49707)
OST-96-1325
OST-96-1392
OST-96-1346(48267/48860)
OST-95-270**

ORDER

The captioned U.S. air carriers have applied for various forms of authority or relief from Title 49 of the U.S. Code or regulations or orders of the Department in order to perform the air transportation activities shown in the attached Notices of Action Taken. Except as noted, no answers were filed to these requests. Because of the imminence of these operations, we approved them by telephone, subject to adherence, by each applicant, to the conditions set forth in its certificate(s) of public convenience and necessity, and/or conditions attached.

We carefully considered the information set forth in each application described in the attached Notices of Action Taken, and we found that each of the proposed operations was consistent with the public interest and was consistent with an applicable bilateral aviation agreement and/or the aviation relationship between the United States and the foreign country involved, that each applicant was qualified to perform its proposed operations, and that each application should be approved.

Under authority assigned by the Department in its Regulations, 14 CFR Part 385, we found that for each operation (1) immediate action was required and was consistent with Department policy; (2) grant of the exemption or authority was consistent with the public interest; and (3) grant of this authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. ¹

ACCORDINGLY,

1. We confirm the actions described in the attached Notices of Action Taken, which granted the referenced U.S. air carriers (1) exemptions from the provisions of Section 41101 and where necessary 41504 or as noted in the attached notices, other sections of Title 49 U.S.C.; or (2) relief or authorizations as provided for under regulations or orders of the Department, to the applicants to perform the operations described in the attached Notices of Action Taken;
2. In the conduct of the service, each applicant was to adhere to the conditions set forth in the Appendix, and to any other conditions as noted in the attached Notices of Action Taken;
3. To the extent not granted, or explicitly deferred as noted in the attached Notices of Action Taken, these applications are denied; and
4. We may amend, modify, or revoke this order at any time without hearing.

¹ On the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we found that each U.S. air carrier applicant for an operating exemption is qualified to provide the services authorized.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, may file their petitions within ten (10) days after the date of service of this order. The filing of a petition for review of a particular action shall affect this order only as it concerns that action.

These actions were effective when taken, and the filing of a petition for review will not alter their effectiveness.

By:

PAUL L. GRETCH
Director
Office of International Aviation

(SEAL)

Appendix

U.S. Carrier **Standard Exemption Conditions**

In the conduct of the operations authorized by the attached order, the applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with the requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration Regulations; and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted or confirmed by the attached order shall be effective only during the period when the holder is in compliance with the conditions imposed above.

NEW

NOTICE OF ACTION TAKEN July 15,

1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of ALASKA AIRLINES, INC. filed 6/25/96 in Docket OST-96-1480 for:

XX Exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between the terminal point Los Angeles, California, and Ixtapa/Zihuatanejo, Mexico. Alaska states that it proposes seasonal service in the market beginning November 4, 1996.

Applicant rep: Marshall S. Sinick (202)626-6651 DOT Analyst: Linda Lundell (202)366-2336

DISPOSITION

XX **Granted (see remarks)**

The above action was effective when taken: July 15, 1996, through July 15, 1998, or until 90 days after final Department action on a corresponding certificate application, whichever occurs earlier.

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this
action.)

XX **Authority granted is consistent with the aviation agreement between the United States and Mexico.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: XX Holder's certificate of public convenience and necessity
XX Standard Exemption Conditions (attached)

Special Conditions/Remarks: **The U.S.-Mexico authority granted is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2. Consistent with our standard practice, the dormancy notice period for these services will begin November 4, 1996, Alaska Airlines' proposed start-up date for services in this market.**

RENEW

NOTICE OF ACTION TAKEN

July 16, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of **American Airlines, Inc.** filed **6/13/96** in Docket **OST-95-367** for:

XX *Renew exemption for two years under 49 U.S.C. 40109 to provide the following service:*

Scheduled foreign air transportation of persons, property, and mail between Tampa, Florida, and Toronto, Ontario, Canada. The Hillsborough County Aviation Authority filed an answer in support of American's application.

Applicant rep.: **Carl Nelson, 202-496-5647** DOT analyst: **Sylvia Moore, 202-366-6519**

DISPOSITION

XX *Granted*

*The above action was effective when taken: **July 15, 1996,** through **July 15, 1998,** or until 90 days after final Department action on American's corresponding certificate application filed in Docket OST-95-366, whichever occurs earlier.*

XX *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)*

XX *Authority granted is consistent with the aviation agreement between the United States and Canada signed on February 25, 1995.*

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX *Holder's certificate of public convenience and necessity*

XX *Standard Exemption Conditions (attached)*

RENEW

NOTICE OF ACTION TAKEN

July 1, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of American Airlines, Inc. filed 5/7/96 in Dockets OST-96-1353 (48280) & OST-96-1356 (48248) for:

XX Renew allocation of seven weekly U.S.-Brazil combination frequencies

XX Renew exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between a point or points in the United States, via intermediate points to Manaus, Brasilia, Rio de Janeiro, Sao Paulo, Recife, Porto Alegre, Belem, Belo Horizonte, and Salvador, Brazil, and beyond Brazil to Argentina, Uruguay, Paraguay, and Chile.

Applicant rep.: Carl B. Nelson, Jr., 202-496-5647 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted*

The above action was effective when taken: June 28, 1996, through June 28, 1998, or until 90 days after final Department action on American's corresponding certificate applications in Dockets 48301, 48343, and 48240, whichever occurs earlier.

XX Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)*

XX Authority granted is consistent with the aviation agreement between the United States and Brazil.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience

XX Standard Exemption Conditions (attached)

Remarks: Consistent with our standard practice, the frequency allocation granted is subject to the condition that it will expire automatically and the frequencies will revert back to the Department for reallocation if they are not used for a period of 90 days.

Renewal

NOTICE OF ACTION TAKEN July 11, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applications of AMERICAN AIRLINES, INC. filed 5/7/96 in Docket OST-96-1354
(formerly Docket 50392)

XX Renew for two years exemption initially granted by Order 95-10-13, authorizing foreign air transportation of persons, property, and mail between Honolulu, Hawaii, and Vancouver, British Columbia, Canada, to be operated pursuant to American's code-sharing arrangement with Canadian Airlines International Ltd. Under this arrangement, American states that its "AA" designator code will be displayed on the Honolulu-Vancouver service to be operated by Canadian this fall.

Applicant reps: Carl B. Nelson (202) 496-5647 DOT Analyst: Linda Senese (202) 366-2367

DISPOSITION

XX Granted (subject to noted conditions)

The above action was effective when taken: July 11, 1996 through July 11, 1998.

XX Under assigned authority (14 CFR 385) by: **Paul L. Gretch, Director**
Office of International Aviation
*(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this
action.)*

XX Authority granted is consistent with the 1995 U.S.-Canada Air Transport Agreement.

*Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: XX American's certificate of public convenience and necessity
XX Standard Exemption Conditions (attached)*

Special Conditions/Remarks: The code-sharing operations authorized herein must comply with 14 CFR 399.88 of the Department's regulations and any amendments to the Department's regulations concerning code-share arrangements that may be adopted and are expressly conditioned upon the requirements that the foreign air transportation be sold in the name of the carrier holding out the

service in computer reservation systems and elsewhere, that the carrier selling such transportation accept all obligations

(See Reverse Side)

established in the contract of carriage with the passenger (*i.e.* ticket) and that the operator shall not permit the code of its U.S. code-sharing partner to be carried on any flight that enters, departs, or transits the airspace of any area for whose air space the Federal Aviation Administration has issued a flight prohibition.

American filed a timely application for renewal of this authority. The authority has remained in effect beyond its expiration date (i.e. July 7, 1996) under the automatic extension provisions of 5 U.S.C. 558(c) of the Administrative Procedure Act.

RENEW

NOTICE OF ACTION TAKEN

July 1, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of American Airlines, Inc. filed 5/7/96 in Docket OST-96-1355 (46344) for:

XX Renew exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between Chicago, Illinois, and Budapest, Hungary, on a nonstop basis and on a one-stop basis, via the intermediate points Frankfurt, Germany; Zurich, Switzerland; or Vienna, Austria.

Applicant rep.: Carl B. Nelson, Jr., 202-496-5647 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted*

The above action was effective when taken: June 28, 1996, through June 28, 1998, or until 90 days after final Department action on American's corresponding certificate application in Docket 46331, whichever occurs earlier.

XX *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)*

XX **Authority granted is consistent with the aviation agreement between the United States and Hungary, The United States and Austria, the United States and Switzerland, and the United States and Germany.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX **Holder's certificate of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**

RENEW

NOTICE OF ACTION TAKEN

June 13, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of Arrow Air, Inc. filed 1/22/96 in Docket OST-96-1013 (45845) for:

XX Renew allocation of two weekly U.S.-Argentina narrow body all-cargo frequencies

XX Waiver 14 CFR 377.10(c)

XX Renew exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of property and mail between Miami, Florida, and Buenos Aires, Argentina, and to integrate this authority with its existing exemption and certificate authority.

Applicant rep.: Allan W. Markham, 202-337-2149 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted*

The above action was effective when taken: June 12, 1996 through June 12, 1998

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)

Authority granted is consistent with the aviation agreement between the United States and Argentina.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

Remarks: Arrow requested a waiver from the 60-day advance filing requirements of 14 CFR 377 to ensure that its authority would continue in effect beyond the expiration date (March 20, 1996), pending action on its renewal application. On March 19, 1996, we orally granted the request. We confirm that action here. Arrow's authority, therefore, has remained in effect pending action on its renewal application.

(See Reverse Side)

The authority is subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved.

Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon Arrow additional rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Arrow notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited entry route rights that are included in Arrow's authority by virtue of the route integration exemption granted here, but that are not then being used by Arrow, the holding of such authority by route integration will not be considered as providing any preference for Arrow in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

RENEW

NOTICE OF ACTION TAKEN

July 16, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of Arrow Air, Inc. filed 6/11/96 in Docket OST-96-1448 (44572) for:

XX Waiver of 14 CFR 377.10(c)

XX Renew exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of property and mail between New York, New York; Miami, Florida; and San Juan, Puerto Rico, on the one hand, and Caracas and Maracaibo, Venezuela, on the other.

Applicant rep.: Allan Markham, 202-337-2149 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX Granted in Part (see Remarks)

XX Dismissed Waiver Request

The above action was effective when taken: July 15, 1996, through July 15, 1998

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)

XX Authority granted is consistent with the aviation agreement between the United States and Venezuela.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

Remarks: The aviation agreement between the United States and Venezuela does not provide for coterminalization of Caracas and Maracaibo. These points may only be served as separate terminal points.

We dismissed Arrow's request for waiver of the 60-day advance filing requirements since we acted on the carrier's renewal application before expiration of the existing authority (July 28, 1996).

RENEW

NOTICE OF ACTION TAKEN

July 16, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of Challenge Air Cargo, Inc. filed 5/17/96 in Docket OST-96-1379 (44507) for:

XX Renew exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of property and mail between (1) Miami, Florida, the intermediate point San Juan, Puerto Rico, and Caracas, Venezuela; and (2) Miami, Florida, and the coterminal points Valencia and Maracaibo, Venezuela, and to integrate this authority with its existing certificate and exemption authority.

Applicant rep.: William Callaway, 202-298-8660 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted*

The above action was effective when taken: July 15, 1996 through July 15, 1998

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)

XX Authority granted is consistent with the aviation agreement between the United States and Venezuela.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

Remarks: The aviation agreement between the United States and Venezuela does not provide for coterminalization of Caracas and Maracaibo. These points may only be served as separate terminal points.

The authority is subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved.

(See Reverse Side)

Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon Challenge additional rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Challenge notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited entry route rights that are included in Challenge's authority by virtue of the route integration exemption granted here, but that are not then being used by Challenge, the holding of such authority by route integration will not be considered as providing any preference for Challenge in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

RENEW

NOTICE OF ACTION TAKEN

June 13, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of **Federal Express Corporation** filed **1/19/96** in Docket **OST-96-1008 (48545)** for:

XX Renew allocation of five weekly U.S.-Argentina all-cargo frequencies (narrow-body or wide-body equivalent).

XX Renew exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of property and mail between Miami, Florida, and Buenos Aires, Argentina, and to integrate this authority with its existing exemption and certificate authority.

Applicant rep.: **Nathaniel P. Breed, 202-663-8078** DOT analyst: **Sylvia Moore, 202-366-6519**

DISPOSITION

XX *Granted*

*The above action was effective when taken: **June 12, 1996** through **June 12, 1998***

XX Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)*

Authority granted is consistent with the aviation agreement between the United States and Argentina.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX **Holder's certificate of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**

Remarks: The authority granted here had been kept in force beyond its prescribed expiration date (March 20, 1996), pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), as implemented by 14 CFR Part 377, pending action on Federal Express' timely filed renewal application.

(See Reverse Side)

The authority is subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved.

Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon Federal Express additional rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Federal Express notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited entry route rights that are included in Federal Express' authority by virtue of the route integration exemption granted here, but that are not then being used by Federal Express, the holding of such authority by route integration will not be considered as providing any preference for Federal Express in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

RENEW & AMEND

NOTICE OF ACTION TAKEN

July 16, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of **Federal Express Corporation** filed **3/28/96** in Docket **OST-96-1196 (40459)** for:

XX Renew exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of property and mail between a point or points in the United States and Porto Alegre, Belem, Manaus, Brasilia, Rio de Janeiro, Sao Paulo, Recife, Belo Horizonte, and Salvador, Brazil, operated directly or via intermediate points in Venezuela, and beyond Brazil to Buenos Aires, Argentina, with traffic rights.

XX Amend exemption to permit Federal Express to conduct these operations via any intermediate point(s) and to any point(s) beyond Brazil without local traffic rights.

XX Renew allocation of five weekly U.S.-Brazil all-cargo wide-body frequencies.

Applicant rep.: **Nathaniel P. Breed, 202-663-8078** DOT analyst: **Sylvia Moore, 202-366-6519**

DISPOSITION

XX *Granted*

*The above action was effective when taken: **July 15, 1996,** through **June 15, 1998,** or until 90 days after final Department action on Federal Express' corresponding certificate application in Docket 45985, whichever occurs earlier.*

XX Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)*

XX Authority granted (except to points beyond Brazil without local traffic rights) is consistent with the aviation agreements between the United States and Brazil, the United States and Venezuela, and the United States and Argentina. The authority to serve beyond Brazil on a blind-sector basis is not specifically provided for in the U.S.-Brazil aviation agreement. However, approval is consistent with the overall state of aviation relations between the United States and Brazil.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

(See Reverse Side)

Remarks: The authority granted here had been kept in force beyond its prescribed expiration date (June 13, 1996), pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), as implemented by 14 CFR Part 377, pending action on Federal Express' timely filed renewal application.

Consistent with our standard practice, the frequency allocation awarded is subject to the condition that it will expire automatically and the frequencies will revert back to the Department if they are not used for 90 days. (See e.g. Orders 95-11-9 and 96-2-215).

NEW

NOTICE OF ACTION TAKEN

July 16, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of Northwest Airlines, Inc. filed 6/6/96 in Docket OST-96-1439 for:

XX Exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between Detroit, Michigan, and Providenciales, Turks & Caicos Islands.

Applicant rep.: Megan Rae Poldy, 202-842-3193 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted*

The above action was effective when taken: July 15, 1996, through July 15, 1998,

XX *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)*

XX **Authority granted is consistent with the aviation agreement between the United States and the United Kingdom.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX **Holder's certificate of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**

RENEW

NOTICE OF ACTION TAKEN

June 13, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of Polar Air Cargo, Inc. filed 1/23/96 in Docket OST-96-1022 (49707) for:

XX Renew allocation of two weekly U.S.-Argentina narrow body all-cargo frequencies

XX Waiver 14 CFR 377.10(c)

XX Renew exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of property and mail between New York, Miami, and Los Angeles, on the one hand, and Buenos Aires, Argentina; Barranquilla, Colombia; and Santiago, Chile, on the other, and to integrate these services in conjunction with its all-cargo service in the U.S.-Argentina market.

Applicant rep.: Alfred J. Eichenlaub, 202-637-9034 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted*

The above action was effective when taken: June 12, 1996 through June 12, 1998

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)

Authority granted is consistent with the aviation agreements between the United States and Argentina, the United States and Colombia, and the United States and Chile.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

Remarks: Polar requested a waiver from the 60-day advance filing requirements of 14 CFR 377 to ensure that its authority would continue in effect beyond the expiration date (March 20, 1996), pending action on its renewal application. On March 19, 1996, we orally granted the request. We confirm that action here. Polar Air Cargo's authority, therefore, has remained in effect pending action on its renewal application.

(See Reverse Side)

The authority is subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved.

Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon Polar additional rights (including fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Polar notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited entry route rights that are included in Polar's authority by virtue of the route integration exemption granted here, but that are not then being used by Polar, the holding of such authority by route integration will not be considered as providing any preference for Polar in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

NEW

NOTICE OF ACTION TAKEN

June 14, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of Polar Air Cargo, Inc. filed 6/13/96 in Docket OST-96-1325 for:

XX Exemption from Order 96-2-17; 90-day dormancy condition:

By Order 96-2-17 the Department allocated Polar Air Cargo eight weekly frequencies to provide scheduled foreign air transportation of property and mail for services in the U.S.-Russia market. That award was subject to the condition that it will expire automatically and the frequencies will revert back to the Department for reallocation if they are not used for a period of 90 days. On April 29, 1996, Polar applied for an exemption to extend its May 14, 1996 startup date to June 15, 1996. By Notice of Action Taken dated May 14, 1996, the Department granted the extension. Polar seeks extension of the June 15 startup date to June 22, 1996. Polar states that grant of the necessary approvals by the Russian authorities is imminent and the appropriate authority can be secured by June 22, 1996. We received no answers to Polar's application.

Applicant rep.: Clifford A. Westfall, 202-637-9034 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted (See Remarks)*

The above action was effective when taken: June 14, 1996 through June 22, 1996

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)

Remarks: The 90-day dormancy period will begin June 22, 1996, Polar's proposed new startup date for its Russia service.

We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.

NEW

NOTICE OF ACTION TAKEN

June 21, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of Polar Air Cargo, Inc. filed 6/21/96 in Docket OST-96-1325 for:

XX Exemption from Order 96-2-17; 90-day dormancy condition:

By Order 96-2-17 the Department allocated Polar Air Cargo eight weekly frequencies to provide scheduled foreign air transportation of property and mail for services in the U.S.-Russia market. That award was subject to the condition that it will expire automatically and the frequencies will revert back to the Department for reallocation if they are not used for a period of 90 days. On April 29 and June 13, 1996, Polar applied for an exemption to extend its May 14, 1996 startup date to June 15, 1996, and June 22, 1996, respectively. By Notices of Action Taken dated May 14 and June 14, 1996, the Department granted the extensions. Polar seeks extension of the June 22 startup date to July 22, 1996. Polar states that grant of the necessary approvals by the Russian authorities is imminent and the appropriate authority should be secured by July 22, 1996. We received no answers to Polar's application.

Applicant rep.: Clifford A. Westfall, 202-637-9034 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted (See Remarks)*

The above action was effective when taken: June 21, 1996 through July 22, 1996

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)

Remarks: The 90-day dormancy period will begin July 22, 1996, Polar's proposed new startup date for its Russia service.

We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.

NEW

NOTICE OF ACTION TAKEN

July 19, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of Polar Air Cargo, Inc. filed 7/17/96 in Docket OST-96-1325 for:

XX Exemption from Order 96-2-17; 90-day dormancy condition:

By Order 96-2-17 the Department allocated Polar Air Cargo eight weekly frequencies to provide scheduled foreign air transportation of property and mail for services in the U.S.-Russia market. That award was subject to the condition that it will expire automatically and the frequencies will revert back to the Department for reallocation if they are not used for a period of 90 days. On April 29, June 13, and June 21, 1996, Polar applied for an exemption to extend its May 14, 1996 startup date to June 15, 1996, June 22, 1996, and July 22, 1996, respectively. By Notices of Action Taken dated May 14, June 14, and June 21, 1996, the Department granted the extensions. Polar seeks extension of the July 22 startup date to August 21, 1996. Polar believes that grant of the necessary approvals by the Russian authorities is imminent and the appropriate authority should be secured by August 21, 1996. We received no answers to Polar's application.

Applicant rep.: Clifford A. Westfall, 202-637-9074 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted (See Remarks)*

The above action was effective when taken: July 19, 1996 through August 21, 1996

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)

Remarks: The 90-day dormancy period will begin August 21, 1996, Polar's proposed new startup date for its Russian service.

We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.

NEW

NOTICE OF ACTION TAKEN

July 16, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of Sun Country Airlines, Inc. filed 5/22/96 in Docket OST-96-1392 for:

XX Exemption under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of property and mail between New York, New York, and Columbus, Ohio, on the one hand and Hong Kong on the other.

Applicant rep.: Dennis N. Barnes, 202-467-7060 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted*

The above action was effective when taken: July 15, 1996, through July 15, 1997,

XX *Under assigned authority (14 CFR 385) by:*

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)*

XX Authority granted is consistent with the Memorandum of Understanding between the United States and Hong Kong signed September 29, 1995.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

RENEW

NOTICE OF ACTION TAKEN

July 1, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of United Air Lines, Inc. filed 5/3/96 in Docket OST-96-1346 (48267, 48860) for:

XX Renew allocation of two weekly U.S.-Brazil combination frequencies

XX Renew exemption for two years under 49 U.S.C. 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between a point or points in the United States, via intermediate points to Manaus, Brasilia, Rio de Janeiro, Sao Paulo, Recife, Porto Alegre, Belem, Belo Horizonte, and Salvador, Brazil, and beyond Brazil to Argentina, Uruguay, Paraguay, and Chile.

Applicant rep.: Joel Stephen Burton, 202-637-9130 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted*

The above action was effective when taken: June 28, 1996, through June 28, 1998, or until 90 days after final Department action on United's corresponding certificate application in Docket 48295, whichever occurs earlier.

XX Under assigned authority (14 CFR 385) by:

*Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)*

XX Authority granted is consistent with the aviation agreement between the United States and Brazil.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard Exemption Conditions (attached)

Remarks: Consistent with our standard practice, the frequency allocation granted is subject to the condition that it will expire automatically and the frequencies will revert back to the Department for reallocation if they are not used for a period of 90 days.

NEW

NOTICE OF ACTION TAKEN

June 14, 1996

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated: the confirming order or other decision document will be issued as soon as possible.

Application of World Airways, Inc. filed 5/20/96 in Docket OST-95-270 for:

XX Exemption from Order 96-3-28; 90-day dormancy condition:

By Order 96-3-28 the Department allocated World five weekly frequencies to provide scheduled foreign air transportation between New York and Johannesburg. That award was subject to the condition that it will expire automatically and the frequencies will revert back to the Department for reallocation if they are not used for a period of 90 days. Under the terms of the order World's frequency allocation would expire on June 14, if World did not begin service by that date. World seeks exemption from that condition to the extent necessary to extend its proposed startup date to June 23, 1996, for three of the five frequencies;

July 1, 1996 for the fourth frequency, and October 1, 1996, for the fifth frequency. World states that because of the injunction imposed by the Federal Bankruptcy Court the South Africa frequency allocation proceeding was delayed. World was unsure as to when the proceeding might conclude and selected June 23, 1996, as the startup date for the South Africa service. We received no answers to World's application.

Applicant rep.: Julie Sorenson Sande, 703-834-9435 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX *Granted (See Remarks)*

The above action was effective when taken: June 12, 1996 through October 1, 1996

XX Under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation
(Petitions for review may be filed from now until
10 days after the confirming order/letter issues.
Filing of a petition shall not stay the effectiveness of this action.)

Remarks: The 90-day dormancy period will begin June 23, 1996, for three frequencies; July 1, 1996, for the fourth frequency; and October 1, 1996, for the fifth frequency, World's proposed new startup dates for its South Africa service.

